

# Notice of Allowability

Application No.

09/693,919

Examiner

Arthur Duran

Applicant(s)

SHIDA, TOMOHITO

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/15/07.
2. ☒ The allowed claim(s) is/are 1-17 and 20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date <u>See Continuation Sheet</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                                 | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 10/23/2000; 1/10/2007.

## DETAILED ACTION

### *Allowable Subject Matter*

This Notice of Allowance is in response to the Amendment dated 11/15/2007.

Claims 1-17 and 20 are allowed.

### *Examiner's Statement of Reason's for Allowance*

The following is an examiner's statement of reasons for allowance.

On 11/15/2007, the Applicant elected without traverse claims 1-17 and 20. These claims were found to have a combination of allowable features concerning reservation rates, weather, day of week, and time period of arrival.

Also, on 8/20/2007, the Applicant amended the claims to more clearly state the features that the Examiner stated may be allowable (page 35-46 of the Non-Final Rejection dated 6/13/2007).

The claims were found to be allowable because of the combination of features in the independent claims. Particularly, prior art could not be found which rendered obvious determining of a reservation rate calculated as such:  $\text{Rate of reservation} = (\# \text{ of reservations made}) / (\text{target \# of persons} - \text{prospective number of persons})$ . And, the prospective # of persons is calculated according to the Figures 4a-4d. And, the rate of reservation is then used to determine a discount rate as in Figure 4d. This formula/calculation can be described as, "a reservation rate is calculated by division of a reservation number by a value obtained through subtraction of a prospective number of persons coming to a shop without reservation from a

target number of persons coming to the shop” (the Reservation Rate determining process as stated in the Specification pages 19-21 and Figure 7 and Figures 4a-4d).

Also, please note that the Reservation Rate determining process (Figure 7, Figures 4a-4d, and pages 19-21), the calculating of the prospective # of persons using Figures 4a-4c, and the using of the reservation rate to determine the discount rate using Figure 4d must be present in the claim. Also, please note that other features of the Applicants claim such as the coefficients which are weather conditions and days of the week were also critical in the allowability of the claims. Hence, the claims were found to be allowable because of the combination of features concerning reservation rates (as described above), weather, day of week, and time period of arrival.

The 35 USC 103 prior art combination of Schiff, DeLorme, Baker, Cragun Or Fox, and Demir rendered many relevant features obvious. However, this combination did not render obvious the features and calculations as described above.

Also, Maeda (5,970,420) was found to disclose relevant features concerning reservations estimations but not found to disclose the combination of features and calculations as stated above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



1/8/2008



Arthur Duran  
Primary Examiner  
Art Unit 3622